

JUDGE BAER

08 CV 03292

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff,  
EASTWIND MARITIME S.A.  
366 Main Street  
Port Washington, New York 11050  
Tel: (516) 767-3600  
Fax: (516) 767-3605  
Owen F. Duffy (OD-3144)  
George E. Murray (GM-4172)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
EASTWIND MARITIME S.A.,

Plaintiff,

v.

TONNEVOLD REEFER 7 KS,  
a/ka TONNEVOLD REEFER 2 KS,  
a/ka/ TONNEVOLD REEFER 4 KS,  
a/k/a O.T. TONNEVOLD AS,  
a/k/a TONNEVOLD OT,

Defendant.  
-----X

STATE OF NEW YORK :  
: ss.  
COUNTY OF NASSAU :

08 CV \_\_\_\_ (\_\_\_\_)

**ATTORNEY'S  
AFFIDAVIT THAT  
DEFENDANT CANNOT  
BE FOUND WITHIN  
THE DISTRICT**

This affidavit is executed by the attorney for the Plaintiff, EASTWIND  
MARITIME S.A., (hereinafter "EASTWIND"), in order to secure the issuance of a  
Summons and Process of Attachment and Garnishment in the above-entitled, *in*  
*personam*, Admiralty cause.

George E. Murray, being first duly sworn, deposes and states:

1. I am an associate of the firm of Chalos, O'Connor & Duffy LLP representing Plaintiff EASTWIND in this case.

2. I have personally inquired or have directed inquiries into the presence of Defendant TONNEVOLD REEFER 7 KS, a/ka TONNEVOLD REEFER 2 KS, a/ka/ TONNEVOLD REEFER 4 KS, a/k/a O.T. TONNEVOLD AS, a/k/a TONNEVOLD OT (hereinafter "TONNEVOLD") in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of April 1, 2008, the Defendant TONNEVOLD is not incorporated pursuant to the laws of New York, is not qualified to conduct business within the State of New York and has not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendant TONNEVOLD.

4. I have inquired of Verizon Telephone Company whether the Defendant TONNEVOLD can be located within this District. The Verizon Telephone Company has advised me that the Defendant does not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendant TONNEVOLD within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendant TONNEVOLD can be found within this District.

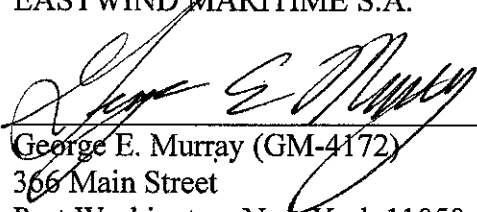
7. In that I have been able to determine that the Defendant TONNEVOLD is not based in the United States of America and that I have found no indication that the Defendant TONNEVOLD can be found within this District, I have formed a good faith belief that the Defendant TONNEVOLD does not have sufficient contacts or business activities within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty or Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the Defendant TONNEVOLD cannot be found within this District for the purposes of Rule B of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure.

Dated: Port Washington, New York  
April 2, 2008

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff,  
EASTWIND MARITIME S.A.

By:

  
George E. Murray (GM-4172)  
306 Main Street  
Port Washington, New York 11050  
Tel: (516) 767-3600  
Fax: (516) 767-3605  
[gmurray@codus-law.com](mailto:gmurray@codus-law.com)

Subscribed and sworn to before me this  
April 2, 2008

  
Notary Public, State of New York

TIMOTHY SEMENORO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02SE6112804  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES JULY 12, 2008